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GOVERNMENT OF KERALA

Vigilance (A) Department

NOTIFICATION

No. 31215/A1/70/Vig. *Dated, Trivandrum, 16th December* 1970.

WHEREAS the Kerala Legislative Assembly passed a resolution on the 3rd October 1969 to the following effect, viz.

> "This House requests the Government that a Judge of the High Court or a Retired High Court Judge be appointed as Enquiry Commissioner under the Commissions of Inquiry Act, 1952 to enquire into the allegations of corruption raised in the Assembly against Shri B. Wellingdon, Minister for Health, before 18-10-1969";

WHEREAS in pursuance of the said resolution, the Government of Kerala in Notification No. 37497/SS4/69/Home dated 18th October 1969 appointed Shri A. N. Mulla, Retired Judge of Allahabad High Court as a Commission of Inquiry to enquire into the allegations of corruption against Shri B. Wellingdon, former Minister of Health, mentioned below as allegations (i) and (ii);

WHEREAS by Notification No. 58188/SS4/69/Home dated 23-10-1969 the Government directed that the aforesaid Commission of Inquiry shall also enquire into the allegations enumerated in that Notification and mentioned below as allegation (iii);

WHEREAS Shri A. N. Mulla, the Commission of Inquiry appointed in the aforesaid notification dated 18-10-1969 has expressed his inability to proceed with the enquiry;

WHEREAS the said enquiry has not been completed;

WHEREAS by virtue of Notification No. 31215/A1/70/Vig. dated 15-12-1970 the aforesaid Commission of Inquiry has ceased to exist;

WHEREAS for compliance with the resolution of the Legislative Assembly it is necessary to appoint another Commission of Inquiry to conduct the enquiry in full and obtain its report;

NOW THEREFORE, in accordance with the provisions of section 3 of the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952) the Government of Kerala hereby appoint a Commission of Inquiry consisting of Shri P. Govinda Menon, Retired Judge of Kerala High Court to enquire into the allegations of corruption mentioned below raised in the Legislative Assembly against Shri B. Wellingdon, former Minister of Health, and direct that the Commission may conduct the enquiry *de novo*.

Allegations

(i) allegations raised by Shri K. M. Mani, M.L.A., in the Assembly in terms of the intimation dated 18-8-1969 given by him under rule 262 of the Rules of Procedure and conduct of Business in the Kerala Legislative Assembly. A copy of this intimation is included herein as Appendix–I.

(ii) allegations raised by Shri N. I. Devassykutty, M.L.A., in the Assembly in terms of the intimation dated 16-8-1969 given by him under Rule 262 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly. A copy of the intimation is included herein as Appendix-II.

(iii) allegations raised in the Legislative Assembly against Shri B. Wellingdon, former Minister of Health as enumerated in Notification No. 58188/SS4/69/Home dated 23-10-1969. These allegations are given in Appendix-III.

The Commission shall make its report to Government on or before 15-3-1971. The report shall cover all aspects of the matters specified above, with particular reference to the following:—

(1) what are the real facts in respect of the matters covered by the allegations; and

(2) whether the facts disclose any misconduct or corruption on the part of Shri. B. Wellingdon, former Minister for Health.

In exercise of the powers conferred on the Government by section 5 of the Commissions of Inquiry Act, 1952 (Central Act 60 of 1952), the Government having regard to the nature of the inquiry to be made, are pleased to direct that the provisions of sub-section (2), sub-section (3), sub-section (4) and sub-section (5) of section 5 of the said Act shall apply to the Commission.

By order of the Governor,

P. M. Abraham,

Secretary to Government.

APPENDIX I

K. M. MANI,
MEMBER, Legislative Assembly,
Palai.

Trivandrum,
18-8-1969.

To

The Hon'ble Speaker,
The Legislative Assembly,
Trivandrum.

Sub:—*Notice under Rule 262.*

Sir,

As I would like to raise certain allegations of corruption against Shri B. Willingdon, Minister for Public Health, I request that I may be permitted for public interest to do so on 18-8-1969 in the Assembly and special time may be granted to me for the same.

Explanatory note.

Charges. (1) Two students Shri Joseph Paul and Cherian Philip who had not obtained the minimum marks required for Selection were admitted to the M. B. B. S. Course in the T. D. Medical College, Alleppey, last year. In giving admission to them the Minister showed great favouritism and personal interest. He even sent a personal letter to the Vice-Chancellor of Kerala University requesting for a favour and praying for granting exemption to those students from the general rule of Minimum marks. Extraneous considerations had influenced the Minister to do so.

(b) The Health Minister in utter disregard of the general rule had misused his office and acted improperly in several cases of admission in the Medical Colleges.

(Sd.)
K. M. MANI.

Copy to: The Minister.

(True Copy)

APPENDIX II

N. I. DEVASSYKUTTY,
MEMBER,
LEGISLATIVE ASSEMBLY.

Trivandrum,
August, 16, 1969.

To

The Hon'ble Speaker,
Kerala Legislative Assembly,
Trivandrum.

Dear Sir,

I give previous intimation as provided in Rule 262 of the Rules of Procedure of my intention to raise following allegations against the Hon'ble Minister for Health in the discussion on the supplementary demands for grants on 18-8-1969.

1. Hon'ble Minister for Health committed malpractices in giving admission to Sarvasri Joseph Paul and Cherian Philip in T. D. Medical College, Alleppey for the I M. B. B. S. Course in 1968—these students having only marks below the minimum of marks prescribed by rules. Minister has written personal letter to the Vice Chancellor and subsequently met the Vice Chancellor in person in the University office to obtain for these students exemption from the minimum marks prescribed.

2. The Minister committed malpractices in issuing an order to give admission to Shri Mohammed Ismail, Moovattupuzha for M. S. Course in Trivandrum Medical College in 1968 overlooking the claims of other applicants having higher marks. Mr. Mohammed Ismail had only marks less than the minimum prescribed. In issuing the order the Minister interfered with the decision of the Medical College authorities.

3. The Minister committed malpractice by giving promise in person to give admission to T. A. Sunny, son of Sri T. A. Antony, Trichur in T. D. Medical College, Alleppey in 1967 and directing Shri Antony to give Rev. Fr. Joseph Vadakkan (K. T. P. Leader) Rs. 3,000 and to Shri Varghese Macheny (K. T. P. Leader) Rs. 4,500 as consideration for the same. Accordingly amounts were paid to these K. T. P. leaders by Shri Antony by Cheques drawn on the Catholic Syrian Bank Ltd., Trichur.

4. The Minister committed malpractice in giving transfer to Dr. K. S. Gangadharan, M. B. B. S. to Erumapetty Government Hospital from Kadapuram and through Shri Thomas Parannur, member of the Minister's personal staff, asked the Doctor to pay Shri Varkey Vadakkan, General Secretary, K. T. P. Rs. 2,000. Doctor paid Rs. 200 to Shri Varkey Vadakkan as directed by Minister and asked for time for paying the balance

amount. Shri Varkey Vadakkan wrote two letters to the Doctor asking the balance amount and intimidating the doctor with another transfer to a distant place if amount is not paid immediately. Since the Doctor could not pay the amount as promised he was suddenly transferred to Pindimana Government Hospital. The Doctor is now on leave.

Yours sincerely,

(Sd.)

N. I. DEVASSYKUTTY.

(True Copy)

APPENDIX III

(i) Allegations of grave irregularities in the admission of students in the Medical Colleges in the State.

(ii) Allegations of grave irregularities in the transfer of students from T. D. Medical College, Alleppey to Government Medical Colleges.

(iii) Allegations of grave irregularities in the appointments and promotions of the staff of Medical Colleges.

(iv) Allegations of grave irregularities in appointments, promotions and transfers of doctors and other employees of the Department of Health Services.

(v) Allegations relating to grave irregularities and misconduct in the purchase of medicines for the hospitals in the State.

(vi) Allegations of grave irregularities and misconduct in the award of contract for the construction of buildings for the Departments of Health Services and Public Health Engineering.

(vii) Allegations relating to grave irregularities and misconduct in the purchase of materials for the Departments of Public Health Engineering and Health Services.

(viii) Allegations of corrupt practices in obtaining a plot under C.I.T. Scheme and raising of funds for the construction of a building at Trivandrum by the Health Minister.

(ix) Allegations of corruption in the acquisition of property and other assets by the Minister, members of his family and close relatives after assumption of office.

(x) Allegations relating to misuse of Government machinery by the Minister for canvassing advertisements, collecting funds for Thozhilali Newspaper and collection of contributions for Karshaka Thozhilali Party.

(xi) Allegations relating to the collection of money by the former P. A. to the Health Minister (Minister's brother), brothers and other close

relatives, party colleagues and friends of the Minister with the knowledge and consent of the Minister in lieu of Governmental favours.

(xii) General allegations of grave misconduct on the part of the Health Minister in the discharge of his duties.

The dates and proceedings of the Legislative Assembly and the portions thereof relating to the above allegations are given below:

1.	Extract from the Proceedings of	22-1-1969 (Question No. 318)
2.	Do.	22-1-1969 (Speech made by Shri R. Gopalakrishnan Nair).
3.	Do.	10-3-1969 (Speech made by Shri K. M. Mani).
4.	Do.	10-3-1969 (Speech made by Shri K. T. George).
5.	Do.	12-3-1969 (Question No. 1021).
6.	Do.	24-3-1969 (Speech made by Shri K. M. Mani).
7.	Do.	18-8-1969 (Speech made by Shri K. M. Mani).
8.	Do.	18-8-1969 (Speech made by Shri N. I. Devassykutty).
9.	Do.	18-8-1969 (Speech made by Shri K. T. George).
10.	Do.	18-8-1969 (Speech made by Shri M. M. Thomas).
11.	Do.	20-8-1969 (Question No 535).
12.	Do.	30-9-1969 (Question No. 688).

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